

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed on March 28, 2005. Claims 1-61 are pending in the Application. Claims 1-14, 16-29, 31-44, 46-51 and 53-61 are rejected in this Office Action. Claims 15, 30, 45 and 52 are objected to in this Office Action. Applicants amend Claims 1, 16, 31, and 46. Applicants cancel Claims 15, 30, 45, 52, and 59-61 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections Under 35 U.S.C. § 112:

Claims 6-20 have been rejected as being indefinite. Applicants have amended Claims 6, 7, 8, 11, 16, and 19 to address these rejections. Favorable action is requested.

Rejections Under 35 U.S.C. § 103:

Claims 1-20 have been rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,665,304 to Beck et al ("*Beck*") in view of U.S. Patent Application 2002/0196749 to Eyuboglu et al ("*Eyuboglu*") and U.S. Patent Application 2003/0016653 to Davis ("*Davis*"). Applicants respectfully traverse.

Applicants' amended independent claim 8 recites "receiving a request for a data communication session from a mobile unit at a packet data servicing node, "accessing a cluster session table storing active sessions within a cluster of packet data servicing node including the packet data servicing node receiving the request," and "identifying an appropriate packet data servicing node within the cluster to service the requested data communication session [received from a mobile unit]." None of the above references teaches this combination of limitations, nor does the Office Action assert that they do.

The Office Action relies on *Davis* (paragraph 0006) to teach "a session table," but this reliance is misplaced. As the Office Action concedes, *Davis* does not teach or suggest accessing a cluster session table and identifying an appropriate packet data servicing node to service a requested data communication session from a mobile unit, as claimed by independent Claim 8, as amended. The session table

disclosed in *Davis* is only used to identify sessions in a computer network. None of the other cited references teaches this combination of references, nor does the Office Action assert they do. (Paragraph 23). For at least this reason, Claim 8 is allowable.

The Office Action cites “nodes A-C” shown in Figure 2 of *Beck* for the element “packet data servicing nodes” directed in applicants’ invention, but this is incorrect. Nodes A-C are not packet servicing nodes, but are instead microprocessors used for executing program instructions. Col. 4, ll. 1-3. None of the other cited references teaches this limitation, nor does the Office Action assert they do. For at least this reason, Claim 8 is allowable.

The Office Action relies on *Eyuboglu* as disclosing mobile units. Whether or not correct, *Eyuboglu* does not teach or suggest mobile units that make requests for communication sessions, as presently claimed. None of the other cited references teaches this limitation, nor does the Office Action assert they do. For at least this additional reason Claim 8 is allowable.

In addition to several elements of independent Claim 8 not being disclosed, there is also no suggestion of combining any teachings of *Beck*, *Davis*, and *Eyuboglu* to result in the claimed combination of limitations. However, applicants’ invention is directed at an improved system and method for efficiently selecting a packet data servicing node when a communication session has been requested by a mobile unit. As the Office Action explicitly concedes, *Beck* does not teach or suggest “a mobile network that includes mobile unit and base station controller and the database used to determine an existing connection or a new connection is a session table.” (Office Action p. 4).

The Office Action states that “it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the session table as taught by *Davis* and service the mobile units as taught by *Eyuboglu* in the system of *Beck* in order to determine an appropriate servicing node and provide an appropriate service to the mobile units,” but this is merely conclusory and does not constitute actual evidence at a motivation to combine, which is required by the M.P.E.P. Rather, no motivation exists because combining *Eyuboglu* with *Beck* or *Davis* would defeat *Eyuboglu*’s stated purpose. *Eyuboglu*’s stated purpose is for maintaining an association between a terminal and a network controller by “using a session identifier.” (Paragraph 0019). The session identifier taught by *Eyuboglu* is

the “Universal Access Terminal Identifier (UATI) of the IS-standard.” (Paragraph 0020). Clearly, one would not use the session table taught by *Davis* to service the mobile units taught by *Eyuboglu* when the entire stated purpose of *Eyuboglu* is the use of a preexisting and standardized UATI to maintain a terminal to network controller association. The M.P.E.P. explicitly states it is not obvious to modify a reference where the modification would render the reference inoperable for its intended purpose, as is the case here. M.P.E.P. § 2143.01.

For at least these reasons Claim 8, as amended, is allowable as are Claims 9-15, which depend therefrom. Favorable action is requested. For analogous reasons, independent Claims 1 and 16, as amended, are also allowable, as are the claims depending therefrom, Claims 2-7 and Claims 17-20. Favorable action is requested.

CONCLUSION

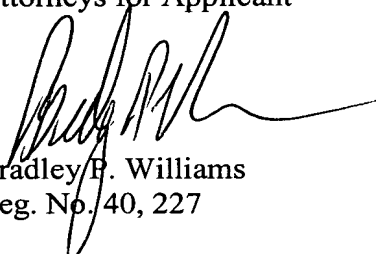
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicants.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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